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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,473	03/17/2004	Erik J. Reed	324212008500	5469
76102 7590 08/21/2008 YAHOO C/O MOFO PALO ALTO 755 PAGE MILL ROAD PALO ALTO, CA 94304				
EXAMINER				
DEBNATH, SUMAN				
ART UNIT		PAPER NUMBER		
2135				
MAIL DATE		DELIVERY MODE		
08/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,473

Applicant(s)

REED ET AL.

Examiner

SUMAN DEBNATH

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-29 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-29 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 15-29 and 46-50 are pending in this application.
2. Claims 1-14 and 30-45 are cancelled.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/06/2008 has been entered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 15-29 and 46-50 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Following limitations are either claimed outside the scope of the invention or omitted completely:

In particular claim 15 recites "decrement a second count value associated with the selected table entry of the plurality of table entries in response to the even identification failing to match an event identification associated with the selected table

entry" in line 19. However, according to FIG. 2 and 3, a selected count value is decremented when incoming event id is not in the screening table. Hence, incoming event Id is compared with the entire table to find a match (see specification, [0033], "if the incoming event ID does not match **any event Ids in the screening table**, execution proceeds to step 220"). On the other hand, claimed limitation only compares with selected table entry. If count value of selected table entry is decremented when incoming event Id doesn't match only the selected table entry, other table entry may match incoming event Id which could be abusive but will never be identified.

Furthermore, claim 15 recites "replace the selected table entry with the event identification associated with the received event in response to the second count value equaling a predetermined value" in line 22. However, according to FIG. 2, the above limitation is executed in step 230 which has proceeding steps 220, 225 and 210. Hence, selected table entry is replaced by new event Id associated with the received event when count in selected screening table is zero in response to decrementing incoming event id is not in the screening table and after decrementing count value for currently selected screening table entry (see FIG. 2, steps 210, 220, 225, 230 and Specification, [0034]). Unless steps 210 and 220 are included with the claimed limitation, selected table entry will be replaced by new incoming table entry even when other table entry matches the incoming event id which would result in having a multiple table entry with same even Id.

Moreover, an essential step is omitted from claimed invention: "advance the pointer to the next entry of the screening table, thereby selecting a different entry in the

screening table. If the pointer is at the last entry of the screening table, an embodiment of step 235 resets the pointer to the first entry of the screening table (see Specification [0035] and FIG. 2, step 235)". Applicant gave rationale for above limitation: "By advancing the pointer cyclically through the screening table, ensures that the count values of each table entry are "aged" in proportion to the event rate, rather than an absolute measure of time. This allows event Ids that become inactive to eventually drop off the screening table, while continually active event Ids stay on the screening table (see Specification, [0036])." On the other hand, if the selected table entry doesn't cycle through screening table, count value of active event Ids could be decremented and eventually would be dropped from the table. Hence, abusive event Ids will not be identified.

Appropriate correction is required.

Allowable Subject Matter

6. Claims 15-29 and 46-50 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAN DEBNATH whose telephone number is (571)270-1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. D./
Examiner, Art Unit 2135

/KimYen Vu/

Supervisory Patent Examiner, Art Unit 2135